IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5443 OF 2006

Shri Mohan Gulabrao Nandre and ors. .. Petitioners.
Vs
Shri Kantaram Nanasaheb Nandre
and ors. .. Respondents.

Mr N.P.Deshpande, for the petitioners.

CORAM : D.B.BHOSALE,J.
DATE : 12.09.2006

PC:

1. Heard the learned counsel for the petitioners.

2. By this writ petition, the petitioners have impugned the order dated 28.10.2005, by which the petitioners'application seeking appointment of the Court Commissioner has been rejected. I see no reason to exercise the writ jurisdiction under Article 227 of the Constitution of India. The impugned order is just and proper and deserves no interference by this Court. The writ petition is dismissed.

3. The dismissal of the writ petition shall not preclude the petitioners from approaching the revenue authorities privately for getting the disputed property including the road measured/surveyed. The petitioners may do so within a period of six weeks from today and place a report of the measurement/survey on record and may also examine the concerned officer during trial, if

so advised. The trial Court shall not proceed with hearing of the suit for a period of six weeks only and shall not grant adjournment at the request of the petitioners on this ground after the period of six weeks from today. It is open for the petitioner to produce a copy of this order before the concerned authority for getting his land measured within the time stipulated. It is needless to express that the concerned revenue authority shall deal with the application for measurement/survey in accordance with law.

(D.B.BHOSALE,J.)